

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

UNITED STATES OF AMERICA,)	CRIMINAL NOS: 2:21-cr-13
)	
vs.)	
)	
YORDON VELAZQUEZ VICTORIA,)	
)	
<u>Defendant.</u>)	

**MOTION FOR ACCESS TO PROSPECTIVE GOVERNMENT WITNESSES
AND INCORPORATED MEMORANDUM OF LAW**

COMES NOW the defendant, Yordon Velazquez Victoria, by and through his undersigned Counsel and respectfully moves this Honorable Court to grant them access to prospective government witnesses and as grounds thereof states as follows:

1. Based upon information and belief, the Defendant believes that one or more prospective government witnesses in this case may be within the United States Marshal's Witness Protection Program, or in the protective custody of another agency of the Federal Government, or their whereabouts in the exclusive knowledge and control of the United States government; therefore, the location of and access to these witnesses are within the exclusive control of the Government.

2. The Defendant wishes to interview these witnesses and believes these interviews are essential to the preparation of his defense in this case.

3. The Defendant has an absolute right to access prospective government witnesses. *United States v. Rice*, 550 F.2d 1364, 1375 (5th Cir. 1977); *United States v. Brown*, 555 F.2d 407 (5th Cir. 1977). The government has no special right or privilege to

control access to trial witnesses. *United States v. Hyatt*, 565 F.2d 299 (2nd Cir. 1977). Of course, the right to access has the limitation that the witness may refuse to be interviewed or dictate circumstances under which he will submit to an interview. *United States v. Dryden*, 423 F.2d 1175 (5th Cir. 1970).

4. The Defendant requests that the government be required to permit access to prospective government witnesses for purposes of interview by the Defendant within a reasonable time prior to trial to ensure these interviews are conducted in a meaningful manner. Additionally, respecting those prospective witnesses who indicate a desire not to be interviewed, the government should be required to file with this Court the names of said recalcitrant witnesses and the preferred reasons, if any, for the “witnesses” refusal to permit and interview.

WHEREFORE, the Defendant respectfully requests that this Court enter an Order granting this Motion.

Respectfully submitted this 29th day of June, 2021.

s/Mario Pacella
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Attorney for Yordon Velazquez Victoria

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CERTIFICATE OF SERVICE

I, Mario A. Pacella, counsel for Yordon Velasquez Victoria, certify that I have served all counsel of record Defendant's Motion for Access to Prospective Government Witnesses and Incorporated Memorandum of Law via the Court's CM/ECF system on this the 29th day of June, 2021.

s/Mario Pacella

Mario A. Pacella, # 558519

Attorney for Yordon Velazquez Victoria

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